

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

BANK OF HOPE,)
)
Plaintiff,)
)
) Case No. 18-cv-780
v.)
)
) Judge: Matthew F. Kennelly
BOB HONG SHAN LU and ADELE RUI)
LIU,) Magistrate: Young B. Kim
)
Defendants.)

**MOTION FOR ENTRY OF
EX PARTE JUDGMENT BY CONFESSION**

NOW COMES the plaintiff, Bank of Hope (“BoH”), by and through its attorneys, Thomas J. Dillon, Wendy Kaleta Gattone, Nicholas S. Maragos, Kyle T. Dillon, and McFadden & Dillon, P.C., and moves for entry of *ex parte* judgment by confession against the defendants, Bob Hong Shan Lu and Adele Rui Liu (collectively, the “Defendants”). In support thereof, BoH states the following:

1. The above-captioned cause was filed on January 30, 2018 and is presently pending before this Court.
2. BoH asserts in its Complaint a claim against the Defendants for breach of contract arising out of a consolidated line of credit (the “Note”) executed by Sina International, Inc. (the “Borrower”) in favor of BoH in the original principal amount of \$611,155.000. Contemporaneous with the Note, the Defendants each executed a Commercial Guaranty in their individual capacities, thereby guarantying the prompt payment of all the Borrower’s indebtedness owed to BoH under the Note (the “2014

Bob Lu Guaranty” and the “2014 Adele Lui Guaranty”, collectively the “Guaranties”). True and correct copies of the Note, 2014 Bob Lu Guaranty, and 2014 Adele Liu Guaranty are attached to the Complaint as Exhibits F, G, and H, respectively, and incorporated herein by reference.

3. The Illinois Code of Civil Procedure provides, in relevant part:

“[A]ny person for a debt bona fide due may confess judgment by himself or herself or attorney duly authorized, without process. The application to confess judgment shall be made...in the county in which one or more of the defendants reside...”

735 ILCS 5/2-1301(c).

4. In pertinent part, the 2014 Bob Lu Guaranty and 2014 Adele Liu Guaranty each provide as follows:

“Guarantor hereby irrevocably authorizes and empowers any attorney-at-law to appear in any court of record and to confess judgment against Guarantor for the unpaid amount of the Guaranty...”

(Complaint Ex. G and H at 2.)

5. BoH submits herewith as Exhibit A the Affidavit of Song Cho, FVP and Special Assets Team Leader of BoH, verifying the Note and Guaranties and setting forth the amounts due under the Note.

6. BoH also submits herewith as Exhibit B a Confession executed by Nicholas S. Maragos, a licensed Illinois attorney, on behalf of the Defendants, confessing judgment against them pursuant to the express provisions of the 2014 Bob Lu Guaranty and 2014 Adele Liu Guaranty.

Wherefore, Plaintiff, Bank of Hope, respectfully requests that this Honorable Court, pursuant to the express confession of judgment provision of the 2014 Bob Lu Guaranty and 2014 Adele Liu Guaranty along with the Confession submitted herewith, (i) enter judgment by confession in favor of Bank of Hope and against the Defendant, Bob Hong Shan Lu on Count I of the Complaint in the amount of \$536,875.95 plus attorneys' fees, costs and interest; (ii) enter judgment by confession in favor of Bank of Hope and against the Defendant, Adele Rui Liu on Count II of the Complaint in the amount of \$536,875.95 plus attorneys' fees, costs and interest; and (iii) grant such further and additional relief as this Court may deem just and proper.

Respectfully submitted,

/s/ Wendy Kaleta Gattone
One of the attorneys for
Plaintiff, Bank of Hope

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